

REMARKS

Claims 1-66 are pending in the application. Independent claims 1, 18, 19, 20, 49, 53, 58 and 61 have been amended to better define the invention. No new matter is presented. It is kindly requested that the Examiner enter this Amendment and reconsider the application.

Claims 1-34, 49-51, and 53-66 were rejected under 35 U.S.C. §102(e) as being anticipated by Vardi et al. (6,325,826). Examiner has indicated that Vardi et al. discloses a stent including first, second and third sections having a pattern and structure as claimed in the instant application. In rejecting the claims, the Examiner referred Applicant to Figs. 12, 14a, and 15-17 of the Vardi et al. '826 reference. Applicant respectfully amends the claims and traverses the rejections.

The Vardi et al. '826 reference discloses a stent having three distinct sections. Figs. 12, 14a and 15-17 show stents having proximal, distal and central sections. The Vardi et al. figures show a stent with a central section comprised of struts arranged in irregular patterns and having a plurality of rings. However, independent claims 1, 18, 19, 20, 49, 53, 58 and 61 of the instant invention, as amended, recite a stent having a central section with a uniform repeating pattern of struts that form a single ring. Therefore, the figures of the Vardi et al. reference present a stent with a different central section structure than the stent recited by the claims of the instant application. The Vardi et al. reference does not anticipate the claims of the instant invention.

Figs. 14a, and 15-17 of Vardi et al. show stents having central sections with a series of ring members arranged around an enlarged opening on the side of the stent. The large opening is formed by struts of different shapes and sizes. In contrast, the independent claims of the present invention recite a stent having a central section with strut members arranged in a uniform repeating pattern. This uniform repeating pattern forms a ring.

The Vardi et al. '826 reference shows a central section that has a plurality of ring members and struts of varying sizes and shapes. This variation of shapes and sizes results in a non-uniform air to metal ratio throughout the central section. Conversely, the independent

claims of the instant invention, as amended, recite a central sections having a substantially uniform series of struts arranged in a repeating pattern forming a ring.

For the reasons stated above, it is respectfully submitted that independent claims 1, 18, 19, 20, 49, 53, 58 and 61, as amended, are not anticipated by the Vardi et al. '826 reference.

Claims 2-17 depend from independent claim 1, claims 21-34 depend from independent claim 20, claims 50, 51 depend from independent claim 49, claims 54-57 depend from independent claim 53, claims 59 and 60 depend from independent claim 58, and claims 62-66 depend from independent claim 61. The amendment of the independent claims effectively amended all of the associated dependent claims. For the reasons detailed above, Applicant respectfully submits that dependent claims 2-17, 21-34, 50, 51, 54-57, 59, 60 and 62-66 also are not anticipated by the Vardi et al. '826 reference.

Claims 35-48 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Vardi et al. '826 reference. As stated above, independent claims 20 and 49, from which claims 35-48 and claim 52 depend respectively, have been amended to better define the invention. For the reasons detailed above, Applicant respectfully submits that dependent claims 35-48 and 52 are patentable over the Vardi et al. '826 reference.

In view of the foregoing, Applicant respectfully submits that the claims are in condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate further prosecution of the application. Reconsideration is respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Magy
Registration No. 30,664

JSN:JML:jeb

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
43657.1